IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.368 of 2007

DATE OF ORDER: 22.1.2007

Baldev Krishan and Another

...Petitioner(s)

Versus

Shiv Kumar Saggar

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. B.S. Sehra, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 22.11.2006 passed by Rent Controller, Khanna whereby an application for condonation of delay and for leave to contest filed by the petitioner was dismissed and ejectment order was passed.

Counsel for the petitioner relies on judgments of this court reported in Roop Kishore Sharma v. Smt Bachni Devi, 1997(2) RCR (Rent) 285 and S. Manohar Singh v. S. Aridaman Singh Dhillon, 2002(2) RCR (Rent) 652 and argues that there was delay of one and half months in making application for leave to contest. He argues that petitioner No.2 was away to Madhya Pradesh whereas petitioner No.1 forgot to make the

application for leave to contest.

I have gone through the order and the judgments relied on by counsel for the petitioner. Petitioner filed the petition under Section 13-A of the East Punjab Urban Rent Restriction Act, 1949 being a specified landlord on the ground of bonafide necessity.

The provisions of Section 18-A of the Act as far as application for leave to contest, are quite stringent. If one petitioner forgot to make the application and the other was away to Madhya Pradesh, it will not be good ground to condone the delay and grant permission to defend.

No merit. Dismissed.

January 22, 2007 (M.M. AGGARWAL)
manoj JUDGE